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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 IN RE: CAPACITORS
14 ANTITRUST LITIGATION

Master File No. 3:14-cv-03264-JD

15 **UNITED STATES' NOTICE OF
16 MOTION AND MOTION TO
17 INTERVENE**

18 Date: October 29, 2014

19 Time: 9:30 a.m.

20 Judge: Honorable James Donato

21 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

22 PLEASE TAKE NOTICE THAT the United States files this motion to be heard on
23 Wednesday, October 29, 2014 at 9:30 a.m. before the Honorable James Donato. The United
24 States of America, through the Antitrust Division of the U.S. Department of Justice, moves for
25 permissive intervention under Fed. R. Civ. P. 24(b)(1)(B). A federal grand jury empanelled in
26 the Northern District of California is investigating allegations of price fixing, bid rigging, and
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1 market allocation in the capacitors industry, in violation of the Sherman Act, 15 U.S.C. § 1. This
2 grand jury investigation shares common questions of fact and law with the above-captioned civil
3 case.

4 The United States seeks to intervene in this civil case for the purpose of seeking a limited
5 stay of discovery. A limited stay will protect the integrity of the ongoing grand jury
6 investigation and facilitate an efficient and orderly resolution of the parallel criminal and civil
7 matters.

8 **This motion is unopposed.** The government requests that this motion be scheduled for a
9 hearing, if one is necessary, in advance of the usual 35 days. The United States respectfully
10 requests that, should the Court want a hearing on this motion, it set the hearing for October 29,
11 2014, the same day the Court has scheduled a Case Management Conference for the civil case.
12 The United States has also filed an unopposed motion to shorten time pursuant to Civil L.R. 6-3.

13 If the court sets a hearing for this motion, Trial Attorney Andrew J. Nicholson-Meade
14 will represent the United States for any oral argument. Pursuant to paragraph 13 of the Court's
15 Standing Orders for Civil Cases, the United States advises the Court that Mr. Nicholson-Meade
16 has less than six years experience as an attorney.

17 This motion is supported by the Memorandum in Support of United States' Motion To
18 Intervene, the Declaration of Jacklin Chou Lem, and the Declaration of Howard Parker. The
19 government requests that the Lem Declaration be filed under seal, and has accompanied the Lem
20 Declaration with the appropriate sealing motion, declaration, and proposed order. Finally, the
21 United States has also filed a Proposed Order Granting United States' Motion to Intervene.

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23 Dated: October 22, 2014

Respectfully Submitted,

24
25 /s/ Andrew J. Nicholson-Meade
26 JACKLIN CHOU LEM
27 ANDREW J. NICHOLSON-MEADE
28 Trial Attorneys
U.S. Department of Justice
Antitrust Division